



Hanover Area Fire and Rescue Commission
Fire Chief's Office
228 High Street
PO Box 1292
Hanover, PA 17331



Anthony Clouser, Fire Chief

aclouser@79fire.com

717-646-2814

FIRE INSPECTION ORDINANCE
QUESTIONS ASKED BY COUNCIL

1. Isn't this another example of government overreach?

- No, I do not believe it is. The reason for an inspection in a residential unit is to assure the unit is safe for the occupant. The inspection advocates for the safety of the tenants as well as the safety for adjacent tenants and occupancies.
- For an example; gas/charcoal grills are not permitted to be used or stored on a porch/balcony of a multiple unit occupancy. If there were a fire, the fire threatens the safety of the adjacent tenant spaces and occupancies.

2. What data supports the Ordinance? (See Attachment 1)

From the time period 1/1/2017 through 12/31/2019 for residential fires only:

- Total fire loss for Hanover Borough for residential fire was \$1,520,050;
- 2017 – Residential fire loss was \$300,100, 69% of loss from rental units;
- 2018 – Residential fire loss was \$1,003,950, 92% of loss from rental units;
- 2019 – Residential fire loss was \$206,000, 96% of loss from rental units.

3. What gives the Borough the authority to do inspections?

- Chapter 32A of the PA Borough Code, specifically, § 3205A – Reserved Powers. (attachment 2)
- Chapter 3107 gives authority for codes officials to enter and if needed, seek an administrative search warrant for refusal by the owner. (attachment 3)

4. Does the International Fire Code give Right of Entry?

- Section 106 (attachment 4) of the IFC gives the Fire Code Official authorization to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 (attachment 5) for the purpose of enforcing the Code.
- Copies of these section of the *International Fire Code* are attached.
- Chapter 43 of the Code of the Borough of Hanover, Fire Commissioner & Fire Department in Section 43-4 B give the Fire Department and its members the Right of Entry. (attachment 6)

5. Has the Borough adopted a fire code?

- Ordinance #2284 adopted the 2015 International Fire Code, with amendments, as the Fire Code of the Borough of Hanover. (attachment 7)
- This Ordinance was adopted by Council on April 24, 2019.

6. Does the Borough need to hire an additional employee for fire inspector?

- No, the Code of the Borough of Hanover, Chapter 43-1(D) states the Fire Commissioner (Fire Chief) shall be charged with administration and enforcement of the fire code. (attachment 6)
- Section 103.3 of the IFC gives the fire code official, with concurrence of the appointing authority (the Borough), shall have the authority to appoint a deputy fire code official, technical officers, inspectors and other employees. (attachment 8)
- The current Fire Chief holds certification by the PA Department of labor & Industry as a Fire Inspector.
- All 15 career firefighters employed by the Borough, and 14 of the 15 firefighters employed by Penn have Pro-Board certification in Fire Inspector II. This certification is the prerequisite for Fire Inspector Certification under the Department of Labor and Industry.

7. Why charge a fee if there isn't a need for an additional employee?

- The Borough, as a matter of practice, charges fees for other services, regardless if the employee completing the task is already being compensated.
- It is within the purview of Council to determine any fees.

8. Who will schedule the inspections?

- A fire inspector will be assigned a list of properties and will schedule inspections of the property with the owner.
- Although not required, the property owner is asked to be present for at least the first inspection.

9. What is the definition of Residential Groups in Section 4 of the Ordinance?

- Please see attachment 9. This is a page from the 2015 International Building Code that defines the residential groups.
- Please see attachment 10. This is a page from the 2015 International Fire Code that defines the residential groups.

10. Why will you not inspect owner-occupied rental units in Section 6?

- This was discussed at Public Safety Committee meetings. The committee felt that if a landlord lived in the same building as the tenants, the landlord has a vested interest in the safety of the property. We will still inspect the rental unit if requested by the owner/occupant however the fee would be waived.
- The same would apply to a building with an "in-law" type unit.

11. What are the penalties referenced in Section 7? (as enumerated Section 1-1 of the Borough Code)?

- Section 109 of the International Fire Code and Section 1-1 of the Borough Code address violations and penalties. (attachment 11 & 12)
- The purpose of the fire safety inspections are not to penalize the owner of the property or the tenant. It has been stated in several public safety meetings that the goal of the inspection is to be an educational process, for both the owner and the occupant.
- When violations are discovered during an inspection, many times they can be corrected on-the-spot.

- When a violation cannot be corrected during the inspection, ample time must be given for the owner to have the issue corrected. We typically give the owner up to 30 days to have the violation corrected.
- Some violations may rise to the level of a significant risk to the safety of the occupants. In this case, a shorter time frame, such as ten days may be given. This is fluid.
- Penalties, in the form of a citation would be levied against the owner or occupant for a failure or refusal to comply with the Code.

12. What exactly will be inspected?

- The *International Fire Code* authorizes the fire code official to perform fire inspections in all occupancies defined in the International Fire Code. Occupancy definitions can also be found in the *International Building Code*.
- Single-family dwellings, owner-occupied duplexes, and buildings consisting of three or more townhouse units that *do not* exceed three-stories above grade plane are not in the scope of the IBC.

13. What will the inspector(s) be looking for?

- Please see attachment 13 for a comprehensive inspection list.
- Not every item on this list may apply to every living unit.

14. How much notice will be given to the property owner?

- The property owner will be contacted by the fire department. A date and time for the inspection will be mutually decided upon.
- Unless extenuating circumstances exist, (health reasons, vacation etc.), a time period within the following two weeks will be requested.

15. Will you be able to complete inspections during evenings and weekends?

- Yes, if the property owner wants to be present for the inspection, we will make every effort to work within their schedule. The firefighters work 24/7.

Three Year Analysis Fire Losses
Hanover Borough

DATE	LOCATION	OCCUPANCY	STATUS	CAUSE	DETECTORS	LOSS	Exposures
2019							
4/29/2019	High Street	Multi-family	Rental	Electrical fire in bedroom	Yes	\$110,000	\$7,500
5/7/2019	Broadway	Multi-family	Rental	Unattended cooking	Yes	\$81,000	
6/27/2019	Moul Ave	Single Family	Owner Occ	Unattended cooking	Yes	\$7,500	

Total Residential Fire Loss	\$206,000	
Total Residential Fire Loss-Rental	\$198,500	96.36%

2018							
1/4/2018	Second Ave	Single Family	Rental	Combustible Storage to close to HVAC	No	\$15,000	
1/20/2018	Young Circle	Multi-family	Rental	Shorted motor in basement	Yes	\$700	
2/2/2018	E. Walnut St	Multi-family	Rental	Undetermined	Yes	\$660,000	\$45,000
2/10/2018	W. Hanover St	Multi-family	Rental	Lithium battery shorted	Yes	\$2,750	
2/12/2018	Highland Ave	Single Family	Owner Occ	Improper use of extension cord	Yes	\$60,000	
5/14/2018	Baltimore St	Single Family	Owner Occ	Electrical Service malfunction	Yes	\$15,500	
5/16/2018	Broadway	Multi-family	Rental	Discarded smoking materials	Yes	\$150,000	
8/13/2018	Third St	Single Family	Rental	Unattended cooking	Yes	\$55,000	

Total Residential Fire Loss	\$1,003,950	
Total Residential Fire Loss-Rental	\$928,450	92.48%

2017							
2/6/2017	McKinley Ave	Multi-family	Rental	Electrical fire	Yes	\$40,000	
5/13/2017	Colonial Crest Circle	Multi-family	Rental		Yes	\$1,000	
7/31/2017	Allegheny Ave	Single Family	Owner Occ	Electrical fire/insulation	Yes	\$1,500	
8/7/2017	Pleasant Street	Multi-family	Rental	Arson	No	\$23,000	
8/30/2017	Driftwood Court	Multi-family	Rental	Bathroom exhaust fan	No	\$600	
9/26/2017	Driftwood Court	Multi-family	Rental	Electrical	No	\$7,000	
9/26/2017	Primrose Lane	Single Family	Owner Occ	Dryer fire	Yes	\$2,000	
10/3/2017	E. Chestnut Street	Mixed-use	Rental	Undetermined	No	\$130,000	\$6,000
10/6/2017	W. Hanover Street	Multi-family	Rental		No	\$1,000	
12/8/2017	Broadway	Single Family	Owner Occ	Woodstove pipe through combustible wall	Yes	\$80,000	\$8,000

Total Residential Fire Loss	\$300,100	
Total Residential Fire Loss-Rental	\$208,600	69.51%

upon, subject
provided in

ATTACHMENT 2

in a reasonable manner as
at all

reasonable hours and in a reasonable manner for the administration and enforcement of the borough's property maintenance code or ordinance incorporating a standard or nationally recognized property maintenance code. Any fees payable to property maintenance inspectors under the ordinance shall be paid by the property maintenance inspectors to the borough treasurer for the use of the borough as promptly as may be.

(c) Legal actions.--In addition to the penalties provided by the property maintenance ordinance, the borough may institute appropriate actions or proceedings at law or in equity to prevent or restrain property maintenance violations.

(d) Construction.--The powers of a borough as provided in this section shall be in addition to, but not limited to, the powers provided in the act of November 26, 2008 (P.L.1672, No.135), known as the Abandoned and Blighted Property Conservatorship Act, and 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

Section 3205-A. Reserved powers.

If, as a result of legislative action or final order of court for which the time for appeal has expired and no appeal has been taken or from which there is no pending appeal, the Uniform Construction Code or any replacement code is no longer applicable in boroughs, a borough may:

(1) Enact and enforce ordinances to govern and regulate the construction, reconstruction, alteration, extension, repair, conversion, maintenance, occupation, sanitation, ventilation, heating, egress, lighting, electrical wiring, water supply, toilet facilities, drainage, plumbing, fire prevention, fireproofing, including prescribing limitations wherein only buildings of noncombustible material and fireproofed roofs are used in construction, erection or substantial reconstruction, use and inspection of all buildings and housing or parts of buildings and housing and the roofs, walls and foundations of buildings and housing, and all facilities and services in or about the buildings or housing constructed, erected, altered, designed or used, in whole or in part, for any use or occupancy, and the sanitation and inspection of land appurtenant to the buildings or housing. The codes may be combined or separately enacted or combined with the property maintenance code. A borough may adopt, amend or incorporate by reference any standard or nationally recognized code or any variations or changes or parts of the code as its ordinance in the manner provided in section 3204-A. The ordinance may provide for reasonable fines and penalties for violations of the ordinance in compliance with Article XXXIII.

(2) Require that before any work of construction, reconstruction, alteration, extension, repair or conversion of any building is begun, approval of the plans and specifications be secured.

(3) Council may appoint building inspectors, housing inspectors, property maintenance inspectors, fire prevention inspectors, electrical inspectors and plumbing inspectors, and fix their compensation. The inspectors shall have the right to enter upon, subject to constitutional standards in a similar manner as provided in section 3107, and inspect any premises at all reasonable hours and in a reasonable manner, for the administration and enforcement of the borough's adopted codes or ordinances incorporating standard or nationally recognized codes. Any fees payable to inspectors under the ordinances shall be paid by them to the borough treasurer for the use of the borough as promptly as may be.

(4) In addition to the penalties provided by ordinances, the borough may institute appropriate actions or proceedings at law or in equity to prevent or restrain the unlawful construction, reconstruction, alteration, extension, repair, conversion, maintenance, use or occupation of property located within the borough, to restrain, correct or abate the violation

and to prevent the use or occupancy of the building, housing or structure.

Section 348. Article XXXIII heading of the act is amended to read:

ARTICLE XXXIII
[ENFORCEMENT OF] ORDINANCES

Section 349. Section 3301 of the act, amended October 9, 1967 (P.L.399, No.181) and repealed in part April 28, 1978 (P.L.202, No.53), is repealed:

[Section 3301. Prosecution of Ordinance Violators; Disposition of Fines, Penalties and Costs.--Any violation or failure to comply with any provision of any borough ordinance shall constitute a summary offense and prosecution for every such offense shall be according to the practice in the case of summary convictions.]

Section 350. The act is amended by adding subdivisions to read:

(a) General Provisions

Section 3301.1. Ordinances; resolutions.

(a) General rule.--Borough council shall enact ordinances in accordance and not inconsistent with the provisions of this act and with the laws of this Commonwealth, in which general or specific powers of the borough shall be exercised as it shall deem beneficial to the borough and to provide for the enforcement of the same. Borough council may amend, repeal or revise existing ordinances by the enactment of subsequent ordinances.

(b) Legislative acts.--Every legislative act of council shall be by ordinance and these legislative acts shall include, but not be limited to, tax ordinances, general appropriation ordinances, capital expenditures not payable out of current funds, and all legislation exercising the police power of the borough, regulating land use, development and subdivision, imposing building, plumbing, electrical, property maintenance, housing and similar standards, and otherwise regulating the conduct of persons or entities within the borough and imposing penalties for the violation thereof.

(c) Resolutions.--Borough council shall adopt resolutions in accordance and not inconsistent with the provisions of this act and the laws of this Commonwealth. The purposes for which resolutions may be adopted shall include, but not be limited to, ceremonial or congratulatory expressions of the good will of the council, statements of public policy of the council, approval of formal agreements of the borough, other than agreements arising under an established purchasing system of the borough, the approval, when required, of administrative rules, regulations and bylaws arising under State statutes or borough ordinances and the filling of borough-appointed positions and of vacancies of elected officials unless otherwise provided.

(d) Real and personal property matters.--Borough council's approval of the acquisition, disposition and leasing of real or personal property shall be by adoption of a resolution in a manner consistent with this act.

Section 3301.2. Publication of proposed ordinances.

(a) Publication requirements.--Except where otherwise provided in this act or in other law, borough council shall publish every proposed ordinance once in one newspaper of general circulation no more than 60 days nor fewer than seven days prior to enactment, which the seventh day shall fall on the day prior to the day when council shall vote on the proposed ordinance. Publication of any proposed ordinance shall include either the full text or the title and a brief summary prepared by the borough solicitor setting forth all the provisions in reasonable detail and a reference to a place within the borough where copies of the proposed ordinance may be examined.

(b) Publication of summary.--If the full text is not included in the publication of the proposed ordinance, the following shall apply:

(1) The newspaper in which the proposed ordinance is published shall, upon request, be furnished a copy of the full text.

(1) **Keep and maintain, in accordance with 53 Pa.C.S. Ch. 13 Subch. F (relating to records)**, the minutes of the proceedings of the board[; shall] **and** keep accurate accounts of the expenditures of the board[; shall draw].

(2) **Draw** all requisitions for the payment of moneys on account of the board of health from appropriations made by the **borough** council [of] **to** the board, and [shall] present the same to the president of the board for [his] **the president's** approval[; shall render].

(3) **Render** statements of the expenditures to the board at each stated meeting, or as frequently as the board may require[; shall prepare,].

(4) **Prepare**, under the directions of the board, the annual report to the borough council together with the estimate of appropriation needed for the ensuing year. [He shall report]

(5) **Report** to the State Department of Health at such intervals as shall be specified by [the State] law or regulation, the cases of communicable disease reported to the board of health, on the form provided for that purpose by [such] **the** department[;] and [shall also] make an annual report to [such] **the** department[; and shall make].

(6) **Make** such other reports and perform such other duties as the board may require.

Section 3105. Powers and Duties of Health Officer.--It shall be the duty of the health officer to attend all [stated] **regular** and special meetings of the board of health, and at all times be ready and available for the prompt performance of [his] **the officer's** official duties[. He shall perform], **including** such duties as are vested in local health officers by State laws and regulations. [He] **The health officer** shall make sanitary inspection and shall execute the orders of the board of health and shall, in the performance of [his] **the health officer's** duties, have the power and authority [of a policeman] **to issue citations for the violation of applicable laws and ordinances.**

Section 3106. Powers of Board of Health.--(a) The board of health shall have the power, and it shall be its duty to [enforce]:

(1) **Enforce** the laws of the Commonwealth, the regulations of the State Department of Health, and all ordinances of the borough enacted to **promote public health and** prevent the introduction and spread of infectious or contagious disease[; to abate].

(2) **Abate** and remove all nuisances [which] **that** the board shall deem [prejudicial] **detrimental** to the public health[;] **and** to mark infected houses or places[; to recommend].

(3) **Recommend** rules [for the construction and maintenance of house-drains, wash-pipes, soil-pipes and cesspools; and to recommend all such other rules] and regulations as shall be deemed necessary for the preservation of the public health **and for carrying into effect the powers and functions of the board.** [Such] **The** rules and regulations shall not become effective until they have been approved by the borough council and enacted as ordinances of the borough. [The board shall also have power, with the consent of council, in case of a prevalence of any contagious or infectious disease to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same.]

The board shall also have the power to recommend to council all necessary rules and regulations not inconsistent with law, for carrying into effect the powers and functions with which the board is invested by law, and the power and authority relating to the public health conferred on boroughs. Such rules and regulations shall not become effective until they have been approved by the borough council and enacted as ordinances of the borough.]

(b) **The board of health may appoint a health officer or officers.**

Section 3107. Entry Upon Premises.--(a) The board of health as a body, or by committee, as well as the health officer, together with their assistants, subordinates, and [workmen]

employees, under and by order of the [said] board, shall have the power to enter at [any time] **a reasonable time and in a reasonable manner** upon any premises in the borough upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same.

(b) In the event that entry upon any premises is refused by an owner, an agent of an owner or a tenant, the board of health or health officer shall obtain an administrative search warrant from any magisterial district judge within the judicial district where the premises to be inspected is located.

(c) It shall be sufficient to support the issuance of a warrant for the board of health or health officer to provide to the magisterial district judge evidence of any of the following:

(1) Reasonable standards and an administrative plan for conducting inspections.

(2) The condition of the premises or general area and the passage of time since the last inspection.

(3) Facts, supported by oath or affirmation, alleging that probable cause exists that a law, regulation or ordinance subject to enforcement by the board of health or health officer has been violated.

Section 3108. Inspections; Abatement of Nuisances.--The board of health [may inspect house-drains, waste and soil-pipes, cesspools, water-closets, slaughter-houses, hog-pens, stable-yards and] **shall have the power to inspect** any conditions or places [whatsoever] in the borough which may constitute a nuisance or a menace to public health[; and whenever]. **Whenever** any condition or place in the borough is found by the board to be a nuisance or a menace to the health of the people of the borough it shall issue a written order of abatement, directed to the owner, or agent of the owner, of the premises, stating that the conditions specified [therein] **in the premises** constitute a nuisance or a menace to health, and ordering an abatement thereof within [such] **reasonable** time as may be specified by the board in [such] **the** order. [In case such] **If the** order of abatement is not obeyed within the time specified [therein], the board shall [thereupon] issue a further written order to the health officer, directing [him] **the health officer** to remove or abate the same[; which]. **The** order shall be executed by [him and his] **the health officer and** subordinates and [workmen] **agents**, and the expense [thereof] **of execution** with a penalty of ten percent [thereof added thereto], shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law[; or the said board of health may proceed to enforce such other remedy, or inflict such penalty, as may be provided by ordinance of the borough]. **In lieu of, or in addition to the above procedure, borough council may seek relief from a nuisance or threatened nuisance by an action at law or in equity. Council may seek the guidance of the board of health or the health officer in determining the nature of the relief requested.**

Section 3109. Estimates of Expenditures; Report.--It shall be the duty of the board of health or of the health officer or officers appointed by borough council to submit annually to the council, before the commencement of the fiscal year, an estimate of the probable expenditures of the board **or the health officer or officers** during the ensuing year; and council shall then proceed to make [such] appropriations as may be deemed necessary. The board of health, or the health officer or officers, shall, in the month of January of each year, submit a report, in writing, to council of its appropriation and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the borough as may be necessary.

Section 3110. Cooperation With Other Units.--Any borough may cooperate with the county or counties in which it is located, or with any [city, borough, or township] **municipal corporation**, as well as with the State Department of Health, in the administration and enforcement of health laws.

SCOPE AND ADMINISTRATION

[A] 105.7.18 Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
 - 3.1. Individual tents shall have a maximum size of 700 square feet (65 m²).
 - 3.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

SECTION 106 INSPECTIONS

[A] 106.1 Inspection authority. The *fire code official* is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

[A] 106.2 Inspections. The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

[A] 106.2.1 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *fire code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[A] 106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*. The *fire code official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do

not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the *fire code official*.

[A] 106.3 Concealed work. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *fire code official* shall have the authority to require that such work be exposed for inspection. Neither the *fire code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] 106.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

SECTION 107 MAINTENANCE

[A] 107.1 Maintenance of safeguards. Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

[A] 107.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

[A] 107.2.1 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

[A] 107.3 Recordkeeping. A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the *fire code official*, and a copy of the records shall be provided to the *fire code official* upon request.

The *fire code official* is authorized to prescribe the form and format of such recordkeeping. The *fire code official* is authorized to require that certain required records be filed with the *fire code official*.

[A] 107.4 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

107.5 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices, and fire-warning sys-

SECTION 104**GENERAL AUTHORITY AND RESPONSIBILITIES**

[A] 104.1 General. The *fire code official* is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The *fire code official* is authorized to receive applications, review *construction documents* and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

[A] 104.3.1 Warrant. Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

[A] 104.4 Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.5 Notices and orders. The *fire code official* is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

[A] 104.6 Official records. The *fire code official* shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.6.1 Approvals. A record of approvals shall be maintained by the *fire code official* and shall be available

for public inspection during business hours in accordance with applicable laws.

[A] 104.6.2 Inspections. The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] 104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

[A] 104.7 Approved materials and equipment. Materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

[A] 104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

[A] 104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official* and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.8 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. The *fire code official* is autho-

Chapter 43. Fire Commissioner; Fire Department

[HISTORY: Adopted by the Borough of Hanover 1-17-1968 by Ord. No. 1382. Amendments noted where applicable.]

GENERAL REFERENCES

Firemen's Relief Association — See Ch. 47.

Fire drivers pension plan — See Ch. 62, Art. III.

Open burning — See Ch. 159.

Fire lanes — See Ch. 204.

Fire limits — See Ch. 207.

Fire prevention — See Ch. 212.

§ 43-1. Fire Commissioner.

- A. The Fire Commissioner shall be appointed by a majority of all members of Hanover Borough Council at an annual salary as determined and fixed by Council. He shall serve at pleasure of Council in accordance with civil service regulations.
- B. The Fire Commissioner shall be directly responsible to the Borough Manager in the exercise and performance of his duties.
- C. Immediately upon appointment, the Fire Commissioner shall sever all ties and membership, if any heretofore exist, in any fire company of the Borough of Hanover, except as is necessary to be protected and enjoy the benefits of the Firemen's Relief Association.^[2]
- D. The Fire Commissioner shall be responsible for the administration and enforcement of the Hanover Borough Fire Prevention Code.^[3]
- E. The Fire Commissioner shall have the direction and control of all the fire apparatus of the Borough of Hanover. At fire scenes, he shall have the sole and absolute authority in fighting, extinguishing and preventing the spread of conflagrations and, for this purpose, shall have full power and authority to do all acts and deeds which are necessary to the proper and lawful attainment of these ends. The Fire Commissioner shall establish working assignments with his assistants to make sure that there is sufficient coverage when he is absent from the Borough. He shall see that fire hydrants and alarm systems are tested and kept in good repair, and shall have direct supervision of moving, changing and locating of fire hydrants and alarms, subject to the approval of Borough Council. He shall make reports to Council in the manner and form prescribed by Council concerning work done by him and the Fire Department and shall make recommendations on supplies and equipment. He shall not leave the Borough without notice to the Borough Manager and to the Assistant Chiefs. Council shall maintain at its expense a telephone at the residence of the Fire Commissioner for fire communications.

[Amended 9-3-1969 by Ord. No. 1456]

[1] *Editor's Note: Section 1 of Ord. No. 2216, adopted 4-22-2015, states that all references to the title "Fire Commissioner" in Ch. 43 and other chapters and sections of the Code shall include the title of "Fire Chief" or other position designated by the Borough Council as the senior executive officer of the Borough Fire Department.*

§ 43-2. Assistants to Fire Commissioner.

- A. The Deputy Fire Chief shall serve as the person second in command to the Fire Chief.
- B. The Deputy Fire Chief shall represent the Fire Department in the absence of the Fire Chief and provide responsible administrative support to the Fire Chief. The Deputy Fire Chief shall have the specific duties; shall meet the specific physical, educational and experimental qualifications; and shall have the licenses, certifications, knowledge, skills and abilities as set forth in the job description as adopted from time to time by the Borough Council.
- C. The Fire Company fire duty officers, who may be elected from time to time by the volunteer companies participating in the Hanover Fire Department designated by the Hanover Borough Council to serve the Borough, may be designated by resolution of the Hanover Borough Council as assistants to the Fire Chief. The Fire Chief may designate one volunteer fire company primary fire line officer known as "Captain" or some other designation denoting the fire line command officer or former such officer to act as Fire Chief or Deputy Fire Chief (as applicable) in the absence of the Fire Chief and the Deputy Fire Chief. Such designations must be submitted to and approved by the Borough Manager and ratified by the Hanover Borough Council. These appointments may be altered from time to time or suspended at the discretion of the Borough Manager, with Council's concurrence, at intervals of not less than one year.
- D. The duties of the assistants to the Fire Chief shall be to assist the Fire Chief in the performance of his duties under his direction and supervision.

§ 43-3. Fire apparatus drivers.

- A. Fire apparatus drivers shall be appointed by Council under civil service regulations.
- B. Fire apparatus drivers shall be members of the Fire Department of the Borough of Hanover and under the supervision and direction of the Fire Commissioner. Their duties are to include manning and maintaining the equipment of the Borough and any other duties as may be directed by the Fire Commissioner in connection with the fire protection of the Borough.
- C. Council shall determine the number of fire apparatus drivers and the compensation for same.

§ 43-4. Fire Department.

- A. The Fire Commissioner and his assistants, the fire apparatus drivers and the fire companies and the members thereof, now or hereafter duly authorized and recognized by the Borough, shall constitute the Fire Department of the Borough and shall, under the direction and supervision of the Fire Commissioner, have entire jurisdiction and management in the fighting of fires, preventing the spread thereof, removal and custody of property, removal of dangerous building or other property, with the right to enter buildings and premises affected or likely to be affected or deemed necessary in the performance of their duties.
- B. The Fire Department and its members, when authorized by the Fire Commissioner, are hereby authorized to enter any building or premises for the purpose of examining property and conditions with the view to fire protection and prevention, and for the purpose of discovering the causes and results of fires. These results are to be reported to Council in monthly reports of activities as prescribed by Council.

§ 43-5. Interference with Fire Department; tampering with hydrants or alarms prohibited.

Any person or persons interfering with, obstructing or delaying any member of the Fire Department in the discharge of his duties or damaging or tampering with any fire hydrant or alarm shall be guilty of a violation of this chapter.

§ 43-6. Use of fire apparatus outside Borough limits.

ATTACHMENT 7

No. 2284

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL FIRE CODE*, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE BOROUGH OF HANOVER; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING ANY AND ALL OTHER ORDINANCES, OR PART THEREOF IN CONFLICT WITH.

The Borough Council of the Borough of Hanover does hereby ordain as follows:

SECTION 1. Adoption of International Fire Code:

Except to the extent otherwise adopted by the Commonwealth of Pennsylvania as part of the Pennsylvania Uniform Construction Code, that a certain document, being marked and designated as the *International Fire Code*, 2015 edition, including Appendices A through M, inclusive, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Borough of Hanover regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, material and devices, and from conditions hazardous to the life or property in the building or premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Borough of Hanover which are hereby referred to, adopted, and made part hereof, as if fully set out in the ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. That the following sections are hereby revised:

Section 101. Scope and General Requirements

Section 101.1 Title

Shall be amended to read:

"These regulations shall be known as the Fire Code of the Borough of Hanover, hereinafter referred to as "this code."

Section 101.2.1 Appendices

Shall be amended to read:

"The provisions of Appendices A through M contained herein are hereby adopted."

Section 105. Permits

Section 105.1.1 Permits required

Shall be amended to read:

The following paragraph shall be added:

"Permits required by this code shall be obtained from the fire code official. Permit fees shall be set by Resolution, from time to time, by the Borough Council and shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein at all time and shall be readily available for inspection by the fire code official."

Section 105.6 Required Operational Permits

Shall be amended to read:

"The fire code official is authorized to issue operational permits for the operations set forth in Sections:"

105.6.15	Explosives
105.6.16	Fire Hydrants & Valves
105.6.32	Open Burning

Section 105.7 Required Construction Permits

Shall be amended to read:

"The fire code official is authorized to issue construction permits for work as set forth in sections:"

105.7.1	Automatic Fire Extinguishing Systems
105.7.6	Fire Alarm & Detection Systems and Related Equipment
105.7.13	Private Fire Hydrants
105.7.17	Standpipe Systems

Section 109. Violations

Section 109.4 Violations and Penalties

Shall be amended to read:

"Persons who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall, upon conviction thereof before any Magisterial District Judge in a summary proceeding, be sentenced for each such violation to pay a fine not exceeding \$1,000, and costs of such proceedings, and in default thereof to undergo imprisonment for a period not exceeding 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

In addition to the penalties provided herein, the Borough of Hanover may institute appropriate actions and proceedings of law or in equity to prevent or restrain violations of this Ordinance."

Section 111. Stop Work Order

Section 111.4 Failure to Comply

Shall be amended to read:

"Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Public Safety Ordinance Violation and punishable under Chapter 1, Article I General Penalty of the Code of the Borough of Hanover."

Section 307. Open Burning, Recreational Fires and Portable Outdoor Fireplaces.

Section 307.1.1 Prohibited Open Burning

Shall be amended to read:

"There shall be no opening burning of trash, leaves, yard waste, and construction debris or for any other waste disposal purposes in the Borough of Hanover. The fire code official or

the Fire Chief is authorized to order the extinguishment of any open fire by the property owner, tenant or the Fire Department."

Section 307.2 Permit Required

Shall be amended to read:

"A permit shall be required for a bon fire or other open fires for ceremonious reasons."

Section 307.4.2 Recreational Fire

Shall be amended to read:

"Recreational fires are prohibited within the Borough of Hanover."

Section 307.4.3 Portable Outdoor Fireplaces

Shall be amended to read and exception deleted:

"The use of portable outdoor fireplaces, fire pits or rings, Chimineas or similar devices are prohibited within the Borough of Hanover."

Section 505. Premises Identification

Section 505.1 Address Identification

Shall be amended to read:

"Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Numbers shall be a minimum of three inches (3") for residential uses and five and one-half inches (5 ½") high for nonresidential uses."

SECTION 3. That the geographical limits referred to in certain sections of the 2015 *International Fire Code* as hereby established as follows:

Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited.

The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits of the Borough of Hanover Zoning Districts O-A, R3, R5, R6 and SC.

Section 5706.2.4.4 Locations where above-ground tanks are prohibited.

The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits of the Borough of Hanover Zoning Districts O-A, R3, R5, R6 and SC.

Section 5806.2 Limitations.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits of Borough of Hanover Zoning Districts O-A, R3, R5, R6 and SC

Section 6104.2 Maximum capacity within established limits.

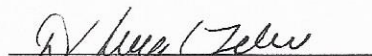
Within the limits of those Borough of Hanover Zoning Districts in which the storage of liquefied petroleum gas is not prohibited (i.e. in Districts other than O-A, R3, R5, R6 and SC), the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570L)

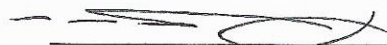
- SECTION 4. That any and all other ordinances or parts or ordinances in conflict herewith are hereby repealed.
- SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Borough Council hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- SECTION 6. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
- SECTION 7. That this ordinance and the rules, regulations, provisions, requirements, order and matters established and adopted hereby shall take effect and be in full force and effect upon the date of its approval of the Mayor.
- SECTION 8. This ordinance shall be codified in the Code of the Borough of Hanover and shall amend such codification as necessary to codify this ordinance.

ENACTED AND ORDAINED by the Council of the Borough of Hanover this 24th day of April, 2019.


ATTEST:

THE BOROUGH OF HANOVER


Secretary


President, Borough Council

Approved this 24th day of April, 2019.


Myneca Y. Ojo, Mayor

SCOPE AND ADMINISTRATION

[A] 102.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

[A] 102.6 Historic buildings. The provisions of this code relating to the construction, *alteration*, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an *approved* fire protection plan as required in Section 1103.1.1.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as *approved*, shall be deemed as *prima facie* evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *fire code official* to determine compliance with codes or standards for those activities or installations within the *fire code official's* jurisdiction or responsibility.

[A] 102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the *fire code official*.

[A] 102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a spe-

cific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] 102.12 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATIVE PROVISIONS

SECTION 103

DEPARTMENT OF FIRE PREVENTION

[A] 103.1 General. The department of fire prevention is established within the jurisdiction under the direction of the *fire code official*. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

[A] 103.2 Appointment. The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction; and the *fire code official* shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *fire code official* shall have the authority to appoint a deputy *fire code official*, other related technical officers, inspectors and other employees.

[A] 103.4 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 103.4.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The *fire code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

under the occupants' control. This group shall include, but not be limited to, the following:

- Correctional centers
- Detention centers
- Jails
- Prerelease centers
- Prisons
- Reformatories

Buildings of Group I-3 shall be classified as one of the occupancy conditions specified in Sections 308.5.1 through 308.5.5 (see Section 408.1).

308.5.1 Condition 1. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

308.5.2 Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied *smoke compartment* to one or more other *smoke compartments*. Egress to the exterior is impeded by locked *exits*.

308.5.3 Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual *smoke compartments*, such as within a residential unit comprised of individual *sleeping units* and group activity spaces, where egress is impeded by remote-controlled release of *means of egress* from such a *smoke compartment* to another *smoke compartment*.

308.5.4 Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

308.5.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

308.6 Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

308.6.1 Classification as Group E. A child day care facility that provides care for more than five but not more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child

care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

308.6.2 Within a place of religious worship. Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

308.6.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

308.6.4 Five or fewer persons receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

SECTION 309 MERCANTILE GROUP M

309.1 Mercantile Group M. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

309.2 Quantity of hazardous materials. The aggregate quantity of nonflammable solid and nonflammable or non-combustible liquid hazardous materials stored or displayed in a single *control area* of a Group M occupancy shall not exceed the quantities in Table 414.2.5(1).

SECTION 310 RESIDENTIAL GROUP R

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*.

310.2 Definitions. The following terms are defined in Chapter 2:

BOARDING HOUSE.

CONGREGATE LIVING FACILITIES.

DORMITORY.

GROUP HOME.

GUEST ROOM.

LODGING HOUSE.

PERSONAL CARE SERVICE.

TRANSIENT.

310.3 Residential Group R-1. Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily *transient* in nature, including:

- Boarding houses (transient)* with more than 10 occupants
- Congregate living facilities (transient)* with more than 10 occupants
- Hotels (transient)*
- Motels (transient)*

310.4 Residential Group R-2. Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient)* with more than 16 occupants
- Congregate living facilities (nontransient)* with more than 16 occupants
- Convents
- Dormitories*
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units*
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

310.5 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*
- Boarding houses (nontransient)* with 16 or fewer occupants
- Boarding houses (transient)* with 10 or fewer occupants
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient)* with 16 or fewer occupants
- Congregate living facilities (transient)* with 10 or fewer occupants
- Lodging houses* with five or fewer *guest rooms*

310.5.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

310.5.2 Lodging houses. Owner-occupied *lodging houses* with five or fewer *guest rooms* shall be permitted to be constructed in accordance with the *International Residential Code*.

310.6 Residential Group R-4. Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residen-

tial environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

310.6.1 Condition 1. This occupancy condition shall include buildings in which all persons receiving custodial care, without any assistance, are capable of responding to an emergency situation to complete building evacuation.

310.6.2 Condition 2. This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

SECTION 311 STORAGE GROUP S

311.1 Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.1.1 Accessory storage spaces. A room or space used for storage purposes that is less than 100 square feet (9.3 m²) in area and accessory to another occupancy shall be classified as part of that occupancy. The aggregate area of such rooms or spaces shall not exceed the allowable area limits of Section 508.2.

311.2 Moderate-hazard storage, Group S-1. Storage Group S-1 occupancies are buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture
- Furs
- Glues, mucilage, pastes and size

care shall be classified as part of the primary occupancy.

[BG] Five or fewer occupants receiving care in a dwelling unit. A facility such as the above within a *dwelling unit* and having five or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

[BG] Mercantile Group M. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

[BG] Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2 of the *International Building Code*.

[BG] Residential Group R-1. Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

- Boarding houses (transient) with more than 10 occupants
- Congregate living facilities (transient) with more than 10 occupants
- Hotels (transient)
- Motels (transient)

[BG] Residential Group R-2. Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient) with more than 16 occupants
- Congregate living facilities (nontransient) with more than 16 occupants
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

[BG] Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent

in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Boarding houses (nontransient) with 16 or fewer occupants
- Boarding houses (transient) with 10 or fewer occupants
- Buildings that do not contain more than two *dwelling units*
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient) with 16 or fewer occupants
- Congregate living facilities (transient) with 10 or fewer occupants
- Lodging houses with five or fewer guest rooms

[BG] Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

[BG] Lodging houses. Owner-occupied *lodging houses* with five or fewer guest rooms shall be permitted to be constructed in accordance with the *International Residential Code*.

[BG] Residential Group R-4. Residential Group R-4 shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the *International Building Code*.

[BG] Condition 1. This occupancy condition shall include buildings in which all persons receiving custodial care, without any assistance, are capable of responding to an emergency situation to complete building evacuation.

[BG] Condition 2. This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

[BG] Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure,

tems, shall not be rendered inoperative or inaccessible, except as necessary during emergencies, maintenance, repairs, *alterations*, drills or prescribed testing.

[A] 107.6 Overcrowding. Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, upon finding any overcrowding conditions or obstructions in *aisles*, passageways or other *means of egress*, or upon finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108 BOARD OF APPEALS

[A] 108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

[A] 108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

[A] 108.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction.

SECTION 109 VIOLATIONS

[A] 109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 109.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the *owner* or the owner's authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

[A] 109.3 Notice of violation. Where the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing

the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

[A] 109.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the owner's authorized agent, or occupant.

[A] 109.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

[A] 109.3.3 Prosecution of violations. If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

[A] 109.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *fire code official* shall not be mutilated, destroyed or tampered with, or removed, without authorization from the *fire code official*.

[A] 109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 109.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 110 UNSAFE BUILDINGS

[A] 110.1 General. If during the inspection of a premises, a building or structure, or any building system, in whole or in

Chapter 1. General Provisions

[HISTORY: Adopted by the Borough of Hanover as indicated in article histories. Amendments noted where applicable.]

Article I. General Penalty

[Adopted 12-29-1954 by Ord. No. 864]

§ 1-1. Violations and penalties.

[Amended 10-15-1980 by Ord. No. 1719; 5-18-1988 by Ord. No. 1842; 1-20-1993 by Ord. No. 1932]

Any person, firm or corporation who shall violate any provision of any ordinance of the Borough of Hanover, now in effect or hereafter enacted and ordained, or any rule or regulation adopted by authority of any ordinance or resolution approved by the Council shall, upon conviction thereof, before any Magisterial District Judge of said Borough, be sentenced to pay a fine of not more than \$25,000 per day, per violation, for violation of industrial wastewater pretreatment standards or requirements, \$1,000 for violations of building, housing, property maintenance or public safety ordinances, and \$600 for all other ordinances, and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than 30 days; provided, however, that for any violation for which the penalty or the term of imprisonment in default of payment thereof is specifically prescribed in any of the laws of Pennsylvania or is specifically limited by law to a maximum amount or term less than the amount or term, as the case may be, stipulated above, the provisions of the law shall be controlling.

§ 1-2. Repealer.

Any specific provision of any ordinance heretofore enacted and ordained and now in effect, prescribing a penalty for the violation thereof and/or a term of imprisonment in default of payment thereof, is hereby repealed, and the provisions of § 1-1 of this article shall be applicable to such ordinance in lieu of the said penalty provision; provided, however, that the penalty provisions enacted as a part of any ordinance granting a franchise to any specific person, firm or corporation for electric, gas, telephone or telegraph or other utility service, and now in effect, shall not be repealed by this article and shall remain in effect, as enacted, until specifically repealed or amended.

Article II. Adoption of Code

[Adopted 6-27-2012 by Ord. No. 2188]

§ 1-3. Approval, adoption and enactment of Code.

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of legislation for the Borough of Hanover, County of York, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 370, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of Hanover, which shall be known and is hereby designated as the "Code of the Borough of Hanover," hereinafter referred to as the "Code."

§ 1-4. Effect of Code on previous provisions.

ATTACHMENT 13



Hanover Area Fire and Rescue
Fire Chief's Office
228 High Street
PO Box 1292
Hanover, PA 17331



Anthony Clouser, Fire Chief

aclouser@79fire.com

717-646-2814

GENERAL RESIDENTIAL FIRE INSPECTION CHECKLIST

1. Obstructed exits.
2. No combustible storage in a means of egress.
3. Adequate property number identification.
4. No hazardous material storage.
5. Gasoline storage containers are approved safety cans.
6. No compressed gases stored inside.
7. No internal combustion engines stored inside.
8. No BBQ grills on balconies. BBQ/grill a safe distance from the house or other combustibles.
9. Fire extinguishers are inspected annually, a minimum of one in the kitchen area, basement area and garage if applicable. A 10#ABC is recommended in each.
10. Smoke detectors are operable and located, as a minimum, outside the sleeping area and one on each level.
11. If smoke detectors are electric, are they interconnected, are batteries installed for back-up?
12. If fossil fuels are used, is there a carbon monoxide detector?
13. Electrical panel accessible and clear of combustibles.
14. Electrical outlets are functional, face plate's present, outlets secure/not broken.
15. Electrical circuits are not overloaded (tenant complains of tripping breakers/fuses).
16. Light switches work properly, face plates intact.
17. Light fixtures securely mounted.
18. Extension cords are rated to the use (amperage) and in good condition.
19. Extension and appliance cords are not nailed down, hanging on hooks, running under rugs, carpets or furniture is not sitting on cords.
20. Plug strips are used within the recommended guidelines, not daisy-chained with extension cords.
21. All wiring splices are in approved splice boxes with approved covers on the box.
22. Are combustibles, oven mitts, and dish towels etc., kept away from the stove top.
23. Are kitchen appliances working correctly?
24. The proper ventilation clearances are maintained around the water heater and furnace.
25. Space heaters are not plugged into extension cords and have the minimum recommended safety clearances from combustibles.
26. Windows are operable for use as a fire escape.
27. Exterior doors are freely operable in the event of an emergency.
28. Handrails are secure.
29. Safe use of ashtrays throughout the home if smoking is permitted.
30. Is there an accumulation of lint/debris in the dryer vent?
31. Fireplaces & Woodstoves – When was chimney cleaned?

- 32. Combustible storage outdoors in close proximity to the house, shed, fence, including leaves, flammable foliage or dead shrubbery/vegetation.
- 33. Structural elements secure & intact
- 34. Rodent infestation – chewing on electrical wires
- 35. Signs of water leaks, plumbing or structural, leaks on electrical equipment.

Some of these do in fact cross over into the IPMC. For example, item # 32 is addressed in the IPMC, but as live vegetation, not dead.